

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Magdalene Walton,
Plaintiff

v.

Case No. 1:06-cv-398

Commissioner of Social Security,
Defendant

ORDER

This matter is before the Court on the Magistrate Judge's Report and Recommendation filed November 17, 2008 (Doc. 23).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). As of the date of this Order, no objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, we find the Magistrate Judge's Report and Recommendation correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. Plaintiff's motion for attorney fees is **GRANTED** and counsel is awarded \$9,388.50 in fees. Counsel for plaintiff is to refund the amount of the Equal Access to Justice Act fee of \$3,120.00, to the plaintiff.

Date: December 15, 2008

s/Sandra S. Beckwith
Sandra S. Beckwith, Chief Judge
United States District Court